

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-4559**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MICHAEL B. STATON, JR.,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Richard L. Williams, Senior District Judge. (CR-01-32)

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Submitted: December 12, 2001

Decided: January 25, 2002

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Before WIDENER, WILKINS, and GREGORY, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Joseph Kelly Haley, III, Richmond, Virginia, for Appellant. Paul J. McNulty, United States Attorney, Peter S. Duffey, Special Assistant United States Attorney, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Michael B. Staton, Jr., appeals from his conviction on one count of unlawful possession of a firearm, in violation of 26 U.S.C. § 5861(d) (1994). Staton contends that the district court abused its discretion by denying his motion in limine seeking to exclude the testimony of a government witness on the grounds of prosecutorial misconduct. Specifically, Staton argues that the prosecutor engaged in misconduct by failing to advise him of the witness' inculpatory statements prior to filing a joint waiver of jury trial. Because we conclude that there was no prosecutorial misconduct, United States v. Mitchell, 1 F.3d 235, 240 (4th Cir. 1993) (discussing standard), we find that the district court did not abuse its discretion in denying the motion in limine. Consequently, we affirm Staton's conviction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED